

EDPS Formal comments on the draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards qualified validation services for qualified electronic signatures and qualified validation services for qualified electronic seals

THE EUROPEAN DATA PROTECTION SUPERVISOR,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ('EUDPR')¹, and in particular Article 42(1) thereof,

HAS ADOPTED THE FOLLOWING FORMAL COMMENTS:

1. Introduction and background

1. On 30 April 2025, the European Commission consulted the EDPS on the draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) No 910/2014 of the European Parliament and of the Council as regards qualified validation services for qualified electronic signatures and qualified validation services for qualified electronic seals ('the draft implementing regulation'), as part of the consultation on 12 draft implementing regulations pursuant to Regulation (EU) No 910/2014². The current batch is the third batch of implementing acts for consultation since Regulation (EU) No 910/2014 was amended by Regulation (EU) 2024/1183 establishing the European Digital Identity Framework³.
2. The objective of the draft implementing regulation is, in accordance with Article 33(2) and Article 40 of Regulation (EU) No 910/2014, to establish by 21 May 2025 a list of reference standards and, where necessary, specifications and procedures for qualified validation services for qualified electronic signatures and for qualified electronic seals. According to Recital 2 of the draft implementing regulation, those standards should reflect established practices and be widely recognised within the relevant sectors.

¹ OJ L 295, 21.11.2018, p. 39.

² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC, OJ L 257, 28.8.2014, p. 73–114.

³ Regulation (EU) 2024/1183 of the European Parliament and of the Council of 11 April 2024 amending Regulation (EU) No 910/2014 as regards establishing the European Digital Identity Framework, OJ L, 2024/1183, 30.4.2024.

They should be adapted to include additional controls ensuring the security and trustworthiness of the qualified trust services, as well as the ability to verify the qualified status and technical validity of qualified electronic signatures and qualified electronic seals.

3. The draft implementing regulation is adopted pursuant to Article 33(2) and Article 40 of Regulation (EU) No 910/2014.
4. The EDPS previously issued Formal comments on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity⁴.
5. The present formal comments of the EDPS are issued in response to a consultation by the European Commission pursuant to Article 42(1) of EUDPR. The EDPS welcomes the reference to this consultation in Recital 4 of the draft implementing regulation.
6. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available, for example as a result of the adoption of other related implementing or delegated acts⁵.
7. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft implementing regulation that are relevant from a data protection perspective.

2. Comments

8. Under the eIDAS Regulation (Regulation (EU) No 910/2014), qualified validation services for qualified electronic signatures and seals play a critical role in ensuring trust and legal certainty in electronic transactions across the EU. Qualified validation services confirm the legal validity and integrity of a qualified electronic signature, including checking the authenticity of the electronic signature, verifying that the signature was created using a qualified electronic signature creation device, confirming that the qualified certificate used is valid and was issued by a qualified

⁴ [Formal comments of the EDPS on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EU\) No 910/2014 as regards establishing a framework for a European Digital Identity](#), issued 28 July 2021.

⁵ In case of other implementing or delegated acts with an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the EDPS would like to remind that he needs to be consulted on those acts as well. The same applies in case of future amendments that would introduce new or modify existing provisions that directly or indirectly concern the processing of personal data.

trust service provider. They ensure compliance with Regulation (EU) No 910/2014, provide a legally reliable result and increase trust in digital transactions.

9. The EDPS takes note of the approach to rely on standards reflecting established practices and being widely recognised within the relevant sectors, while at the same time adapting them to include additional controls ensuring the security and trustworthiness of the qualified trust services, as well as the ability to verify the qualified status and technical validity of qualified electronic signatures and qualified electronic seals.
10. The EDPS further welcomes Recital 3 of the draft implementing regulation, which recalls that the GDPR and, where relevant, Directive 2002/58/EC⁶, shall be applicable to the processing of personal data under this Regulation.
11. Given the subject matter and the provisions of the draft implementing regulation, which do not raise significant issues having regard to the protection of personal data, the EDPS has no further comments on the Proposal.

Brussels, 6 June 2025

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

⁶ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.